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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 17-04-BLG-SPW-03
Plaintiff,	
vs.	OFFER OF PROOF
JAYLEN MIGUAL MEDICINE	
BULL,	
Defendant.	

The defendant, Jaylen Migual Medicine Bull, is charged by indictment with attempted robbery, in violation of 18 U.S.C. §§ 1153(a), 2111, and 2.

PLEA AGREEMENT

There is no plea agreement. The defendant will plead guilty to the indictment. Resolution of the case without a plea agreement is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Medicine Bull to be found guilty of attempted robbery, as charged in the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant is an Indian person;

Second, the attempted robbery occurred in Indian Country;

Third, the defendant intended to use force, violence, or intimidation to take something of value;

Fourth, the defendant did so in the presence or from the person of another; and

Fifth, the defendant took a substantial step toward committing the crime.

PENALTY

This offense carries a maximum punishment of fifteen years of imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On August 2, 2016, a longtime employee of the Billings Gazette was delivering papers to the IGA in Lodge Grass, within the boundaries of the Crow Indian Reservation, at approximately 3:30 a.m. He was driving a 2006 Chevrolet sedan. He pulled up to the IGA and immediately heard and saw the defendants running in his direction and yelling at him. He dropped the papers, got back into his car, quickly, and put the car in gear to lock the doors.

The four defendants, including Medicine Bull, surrounded his car. Falls Down was standing by the driver's window and said, "This is a nice-ass car, homie, I want your car." Medicine Bull was standing right next to Falls Down when he made that statement. Rowland, who was on the passenger side of the car, thumped on the car and shined a flashlight in the victim's eyes. The victim waited until there was no one standing in front of his car and then he drove away quickly. As he drove away, Falls Down pulled out a CO2 pistol and fired at the car. The employee heard a popping sound and thought it sounded like a .22 caliber gun. Only later, when he inspected his car and saw a dent, did he realize that a real gun probably did not make the popping sound.

The defendants, including Medicine Bull, were interviewed during the investigation. Additionally, Rowland and Falls Down have previously entered guilty pleas and made statements under oath during their hearings. At least some of the defendants, including Medicine Bull, admit that statements were made to the effect of, “should we roll him,” “should we get a car,” “show me how it’s done,” “hey home boy, I like your car.” Several of the defendants, including Medicine Bull, identify Falls Down as the one with the gun, although Falls Down claimed during his pretrial interview that he handed the gun to one of the other defendants. Finally, Rowland admitted at his change of plea hearing that he intended to steal money from the employee.

There is a video of the entire event from the surveillance camera at the IGA that clearly shows Medicine Bull taking part in surrounding the vehicle.

The defendant is an enrolled member of the Northern Cheyenne Tribe.

DATED this 28th day of February, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney